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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,414	12/08/2003	Mishko Teodorovich	SSpan	2455
54366 7590 01/12/2007 RICK B. YEAGER, ATTORNEY 10805 MELLOW LANE AUSTIN, TX 78759			EXAMINER KWIECINSKI, RYAN D	
			ART UNIT	PAPER NUMBER
			3635	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
31 DAYS		01/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/730,414

Applicant(s)

TEODOROVICH, MISHKO

Examiner

Ryan D. Kwiecinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

- Species I: Fig. 1 – 3
- Species II: Fig. 4 - 5
- Species III: Fig. 6
- Species IV: Fig. 7A – 7C
- Species V: Fig. 8 - 11
- Species VI: Fig. 12A – 12B
- Species VII: Fig. 13A – 13B
- Species VIII: Fig. 14A – 14B
- Species IX: Fig. 15A – 17C
- Species X: Fig. 18A – 19C
- Species XI: Fig. 20A – 20C
- Species XII: Fig. 21A – 21C
- Species XIII: Fig. 22A – 22B
- Species XIV: Fig. 23A – 23K

The species are independent or distinct because Species I is a single sill pan with a base and a downward sloping top surface. This species includes a middle extruded piece along with end pieces. Also included in Species I are offsets, which

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create a drain path for moisture in the sill and a gap, which makes for a drainage path in the front ridge.

Species II is constructed of a middle piece and two end pieces. The middle piece has channels to accept the two tabs on each corner piece making for a connection between the three pieces.

Species III is constructed from metal and includes a center support ridge, which includes drainage holes.

Species IV is constructed from fiberglass and includes a front support, which tapers toward drainage openings typically at the ends of the front support.

Species V is an alternative embodiment to the base element of the sill pan. This embodiment is constructed with end pieces that are designed to fit over cut down portions of the front support, rear wall, and rear support of the base element. The end pieces also have a tab, which forms a lock connection with the base element.

Species VI is constructed from fiberglass and does not include a taper in the front surface. Drain slots are provided in the front surface in order to remove water.

Species VII is extruded as one solid piece and later machined. Incisions are created in the top surface at angles, which create drainage channels.

Species VIII includes a middle piece with a top surface sloped towards the front of the sill pan. This sill pan includes front and intermediate ridges, which are cut in order to create drainage gaps.

Species IX is constructed from three pieces, an extruded base and two molded corner units. The base unit includes a front support with drain gaps and a front face.

The corner units include a nail slot in the side flange as well as many overlap, snap fit features to connect to the base. The corner pieces also include a rear wall and a lip that overlaps pieces of the base.

Species X consists of first section and a second section, each section having a corner section. These sections are design to slide together without adhesive. The sections include a front wall with drain gaps as well as end portions with ribs and channels, which align when the sections come together.

Species XI includes two sections, which leave ribs exposed, and the embodiment includes a third cap portion, which is installed over top of the exposed ribs.

Species XII is constructed similarly to Species X, but this embodiment also includes a middle section that connects with the first section and the second section.

Species XIII is an alternate embodiment of the invention, which includes a base, which may be sloped, and ridge supports that help bear the load of the window or door.

Species XIV includes a base element, which supports three adjustable pieces on its topside. The pieces include two corner pieces and a middle piece. These pieces all rest on the base and are kept in place by the ribs and channels of the base and tops pieces.

A search for the different structural characteristics of the multiple embodiments will cause a burden on the office. In order to search for these different embodiments, multiple searches in different areas as well as different key word searches would be required.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.
MPEP § 809.02(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 8 am to 5 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571)272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



RDK



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